

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/035, 944 03/06/98 FREED

J 027575-152

021839 WM01/0412
BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

EXAMINER

WOLDETATIOS, Y	
ART UNIT	PAPER NUMBER

2684

DATE MAILED:

04/12/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/035,944	FREED, JOHN G.
	Examiner Yemane Woldetatios	Art Unit 2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 February 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|---|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 20) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-12, 4-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rich et al. (5758271) in view Peterzel et al. (5930692).

Claims 1, 8 and 15. Rich discloses an apparatus and a method for improving the dynamic range of a receiver, and a system for receiving and transmitting signals comprising: a processor for determining the amount for gain adjustment (col. 6 lines 27).

Rich fails to disclose a low noise amplifier with an adjustable input intercept point, wherein the input intercept point is adjusted depending on the computer error rate. However, Peterzel shows a low noise amplifier (Fig. 15 item LNA). Therefore, it would have been obvious to one of ordinary skill in the art to modify Rich by adding a LNA as shown in Peterzel in order to enhance interference control means.

Claims 2, 9 and 16. Rich shows the apparatus wherein the input intercept point is adjusted based also on a transmit power level (Fig. 1 item 112 and 108).

Claims 3-5, 10-12 and 17-19. Rich as modified by Peterzel discloses the limitations in claims 3-5, 10-12, and 17-19) (col. 5 lines 23-28, in Peterzel).

Claims 7, 14 and 21. Rich as modified by Peterzel fails to mention the apparatus of claim 1, wherein a gain of the low noise amplifier is adjusted based on a received signal strength. However, this is inherent in the system.

Claims 6, 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rich in view of Peterzel and further in view of Wing (5570373).

3. Claims 6, 13 and 20. Rich as modified by Peterzel does not disclose the apparatus of claim 1, wherein the computed error rate is a frame error rate. However, Wing teaches a frame error rate (col. 8 lines 22-24). Therefore, it would have been obvious to one of ordinary skill in the art to modify Rich as modified by Peterzel by adding means for computing a frame error rates as taught in Wing in order to enhance the receiver's errors determining means.

Response to Request for reconsideration

4. The request for reconsideration filed on 7/31/00 has been fully considered but is found to be ineffective to overcome the cited references.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane Woldeletios whose telephone number is 703-308-9596. The examiner can normally be reached on Monday thru Friday: 9-18:30, off 1st Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter can be reached on 703-308-6732. The fax phone numbers for the

Art Unit: 2684

organization where this application or proceeding is assigned are 703-308-6306 for regular communications and 703-308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Yemane Woldeletios
Examiner
Art Unit 2684



yw
April 10, 2001



DANIEL HUNTER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600